

2007 DRAFTING REQUEST

Bill

Received: 03/13/2007

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Jim Emerson (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - vital statistics

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to: robin.ryan@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Permit copying of birth certificates for purposes of competing in organized youth sports

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 03/26/2007	jdyer 03/26/2007					
/1			rschluet 03/26/2007		lparisi 03/26/2007	cduerst 06/05/2007	

FE Sent For: N/A

<END>

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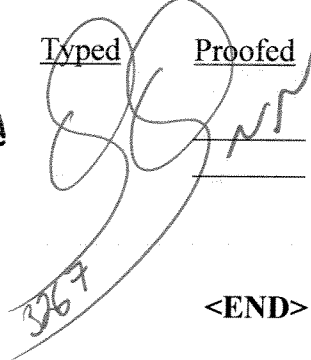
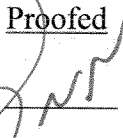
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/?	dkennedy	1/3/26 jld					
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FE Sent For:

<END>



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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ATTORNEY GENERAL

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608/266-1523
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February 26, 2007

Mr. Gary L. Wickert
Matthiesen, Wickert & Lehrer, S.C.
Post Office Box 270670
Hartford, WI 53027-0670

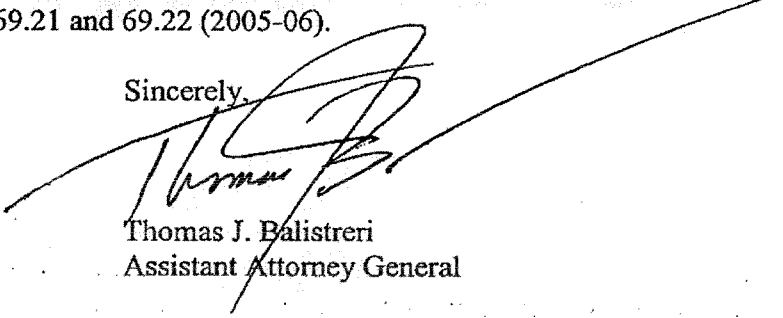
Dear Mr. Wickert:

You ask whether Wis. Stat. § 69.24(1)(a) (2005-06), which makes it a felony to prepare or issue any paper that appears to be a copy of a vital record, applies to parents who are required to submit a birth certificate for children who want to participate in organized youth sports.

Several years ago the Office of the Attorney General issued an opinion stating that the language of this statute is clear and unambiguous, and that there are no exceptions other than the few that are expressly enumerated. 78 Op. Att'y Gen. 232 (1989). I am not aware of anything that would call into question the continuing validity of this opinion. So as the previous opinion concluded, any further exceptions, such as for parents of youthful athletes, would have to be made by the Legislature through amendment of the statute.

Until a legislative exception might be created, parents may obtain official copies of their children's birth certificates for a modest fee from either the state office of vital statistics or a local registrar under Wis. Stat. §§ 69.21 and 69.22 (2005-06).

Sincerely,


Thomas J. Balistreri
Assistant Attorney General

TJB:ajw

mail tickets\wickert, gary re copies of vital records.doc

1-30-07

MATTHIESEN | WICKERT | LEHRER, S.C.

ATTORNEYS AT LAW

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National Board of Trial Advocacy

‡ Licensed in Wisconsin and Texas

** Licensed in Wisconsin and Maryland



FAXED

1/29/07

WRITER'S E-MAIL
gwickert@mwl-law.com

January 29, 2007

**SENT VIA FAX TO 608-267-2779
AND REGULAR MAIL**

J.B. Van Hollen
Attorney General
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Re: Attorney General Opinion Regarding Section 69.24

Dear Mr. Van Hollen:

Congratulations on your recent election victory. My wife and I were proud to have had one of your signs displayed in our yard in Ozaukee County.

I am Town Supervisor for the Township of Cedarburg, and I have repeatedly run across an issue that I think merits your attention. Would it be possible for you to issue a courtesy formal or advisory opinion pursuant to Wis. Stat. § 165.015 regarding the proper application of Wis. Stat. § 69.24? Thousands of parents are in need of some guidance, and the Wisconsin Circuit Courts have yet to address the issue or interpret Section 69.24 in this setting.

Section 69.24 of the Wisconsin Statutes provides as follows:

§ 69.24. Penalties.

(1) Any person who does any of the following is guilty of a Class I felony:

(a) Other than as authorized under Section 69.21 (2)(d), prepares or issues any paper or film which purports to be, or carries the appearance of, an original or a copy of a vital record, certified or uncertified, except as provided under this subchapter or Section 610.50 and except for any hospital which issues any written announcement of the birth of a person to the parents of the person if the announcement contains plain notice that the announcement is not for official use.

(2) Any person who does any of the following shall be fined not more than \$1,000 or imprisoned not more than 90 days or both:

The problem is that organized youth sports across this state require a parent to submit a birth certificate to show that their child is of the appropriate age for the particular competition being engaged in. This is true for football, baseball, basketball, soccer, hockey, and just about any other organized youth sport you can think of. After many years of coaching and managing youth sports teams, and as Vice-President of the Ozaukee Ice Association, I can tell you that in reviewing the birth certificates of literally thousands of youngsters, I have never once come across an original birth certificate. However, based upon a literal reading of Section 69.24, all of these parents appear to be Class I felons. I know this can't be right, and I hardly think the State of Wisconsin wants to heap an additional \$12.00 cost and considerable inconvenience on the plate of busy parents who are perhaps just getting by with the high cost of organized sports for their children. I think the spirit of the law requires original certified or uncertified birth certificates for "official" use, rather than the casual use by private organizations such as sports teams and leagues. The letter of the law, however, appears to be violated as I see no exception in the law for such circumstances.

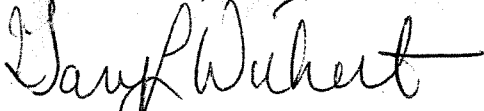
Formal Attorney General Opinion 40-89, issued November 14, 1989, opines that a bank, its employees and agents violate subsection (1)(a) of [Section 69.24], which was enacted in apparent response to a substantial increase in the practice of obtaining and using false identification documents, by copying a certified copy of a vital record for use by the Federal Reserve Bank. However, I don't think the legislature intended it to impact working parents by needless increasing of the cost and time required for their children to play organized sports.

Any light you could shed on this would be appreciated. I am taking the liberty of forwarding a copy of this letter to some friends of mine in the legislature, in hope that they might eventually address the issue, so that parents can be assured that they are not guilty of a felony and subject to possible imprisonment when they photocopy their birth certificate several times a year for various sports in which their children are engaged. This isn't necessarily an issue which requires urgent attention, but there are a lot of parents in Wisconsin.

Your thoughts and attention to this issue are appreciated.

Very truly yours,

MATTHIESEN, WICKERT & LEHRER, S.C.



Gary L. Wickert

GLW:jlb

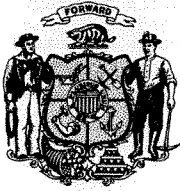
cc: Hon. Mark Gottlieb
Room 309 North
State Capitol
P.O. Box 8952
Madison, WI 53708

Hon. Jim Ott
Room 317 North
State Capitol
P.O. Box 8952
Madison, WI 53708

J.B. Van Hollen
January 29, 2007
Page 3

Sen. Glenn Grothman
Room 20 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Hon. Sheldon Wasserman
Room 214 North
State Capitol
P.O. Box 8953
Madison, WI 53708



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2225/2 /

DAK:.....

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

guardian,

- 1 AN ACT ...; **relating to:** authorizing the copying of a birth certificate in order for
2 a child to participate in an organized youth sport.

Analysis by the Legislative Reference Bureau

Currently, the state registrar or a local registrar must collect \$12 for issuing a certified or uncertified copy of a birth certificate. With certain exceptions, a person who otherwise copies a vital record, including a certified or uncertified birth certificate, may be subject to a fine of up to \$10,000, imprisonment of up to three years and six months, or both.

This bill makes an exception to the penalty for copying a vital record, for a parent, stepparent, or foster parent of a child who is required to submit the child's birth certificate in order for the child to participate in an organized youth sport.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 69.24 (1) (a) of the statutes is renumbered 69.24 (1) (a) (intro.) and
4 amended to read:
5 69.24 (1) (a) (intro.) Other than as authorized under s. 69.21 (2) (d), prepares
6 Prepares or issues any paper or film which purports to be, or carries the appearance

of, an original or a copy of a vital record, certified or uncertified, except as follows: ✓

1. ~~As~~ provided under this subchapter or s. 610.50 ~~and except for any~~ 2. For a hospital
which ~~that~~ issues any written announcement of the birth of a person to the parents
of the person if the announcement contains plain notice that the announcement is
not for official use. ✓

SECTION 2. 69.24 (1) (a) 3. ✓ of the statutes is created to read:

69.24 (1) (a) 3. For a parent, stepparent, guardian, or foster parent of a child who is
required to submit the child's birth certificate in order for the child to participate in
an organized youth sport. ✓

History: 1985 a. 315; 1987 a. 247; 1987 a. 403 s. 256; 1997 a. 210, 283; 2001 a. 16, 109.

(END)

Parisi, Lori

From: Emerson, James
Sent: Tuesday, June 05, 2007 12:30 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2225/1 Topic: Permit copying of birth certificates for purposes of competing in organized youth sports

Please Jacket LRB 07-2225/1 for the SENATE.